

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHAUN AUSTIN	:	CIVIL ACTION
	:	NO. 11-2847
v.	:	
	:	
LEON HILL, et. al.	:	

ORDER

AND NOW, this 8th day of April, 2014, upon consideration of the motion for summary judgment filed by defendants Northampton County, Correctional Officer Leon Hill, Correctional Officer Jamie Brannon and Lieutenant Joseph Kospiah and plaintiff Shaun Austin's response and consistent with the accompanying memorandum of law, it is ORDERED that the motion for summary judgment is GRANTED in PART and DENIED in PART as follows:

- 1) DENIED with respect to plaintiff's § 1983 claims against individual defendants Hill and Brannon;
- 2) GRANTED with respect to plaintiff's § 1983 claim against defendant Lieutenant Joseph Kospiah and JUDGMENT is entered in favor of defendant Lieutenant Joseph Kospiah and against plaintiff Shaun Austin on Count I of the amended complaint;
- 3) DENIED with respect to plaintiff's Monell claim against Northampton County to the extent that the claim is based on NCP's practice or custom of housing both administrative and protective custody inmates on L Tier;
- 4) GRANTED with respect to plaintiff's Monell claim against Northampton County to the extent that the claim is based on NCP's practice or custom of allowing inmates access to razor blades and JUDGMENT is entered in favor of defendant Northampton County and against plaintiff Shaun Austin on this claim;

- 5) GRANTED with respect to plaintiff's state law claims for intentional infliction of emotional distress and aiding and abetting and JUDGMENT is entered in favor of defendants Officer Jamie Brannon and Officer Leon Hill and against plaintiff Shaun Austin on Counts III, IV, V and VI of the amended complaint;
- 6) trial is SCHEDULED for Monday, July 21, 2014 at 10:00 A.M. in Courtroom 4A of the United States Courthouse, Philadelphia PA;
- 7) motions in limine or other matters requiring the court's attention, if any, are to be filed no later than June 2, 2014. Responses to any such motions shall be filed on or before June 16, 2014; and
- 8) Pretrial memoranda and amended points for charge and verdict sheets should be filed no later than June 2, 2014;

If the parties believe a settlement conference would be productive they should contact my deputy Mr. Charles Ervin (267-299-7559) promptly.

/s/ Thomas N. O'Neill Jr.
THOMAS N. O'NEILL, JR., J.